

EXHIBIT A

(Declaration of Nelli Williams)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,
v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant,

TROUT UNLIMITED,

Intervenor-Defendant.

Case No. 3:24-cv-00059-SLG

DECLARATION OF NELLI WILLIAMS

I, Nelli Williams, state and declare as follows:

1. I am the Alaska Director for Trout Unlimited (“TU”). I have served in that role for 8.5 years. Previous to that, I worked at Trout Unlimited as the Alaska Program Deputy Director for about 2 years, and as an outreach coordinator for TU’s Save Bristol Bay campaign beginning in 2009.

2. TU is a national nonprofit organization founded more than 50 years ago. It is the largest sportsman’s organization in the United States dedicated to coldwater conservation, with more than 400 chapters and 300,000 active members and supporters nationwide. In Alaska alone, TU has more than 20,000 members and supporters.

3. Many of TU’s members rely on the important fish, wildlife, and water resources found in the Bristol Bay region for fishing, hunting, and recreation, and for employment in related industries. TU’s membership includes passionate anglers, lodge owners, fishing and hunting guides, subsistence users, commercial fishers, tourists, and Alaskans from a variety of walks of life, who live and operate in, or regularly visit, the Bristol Bay region. Several of our members run commercial or sportfishing businesses in Bristol Bay, precisely because of the wild and abundant salmon, trout, and other resident fish species there.

4. TU has been deeply interested in and concerned about the proposed Pebble Mine since the possibility of mining the Pebble deposit came to our attention in 2005. Ever since then, TU has invested substantial time and resources to protect Bristol Bay’s world-class fisheries, and the many rivers, streams, and lakes that sustain them, from the existential threats posed by development of the Pebble mine. As part of that effort, TU submitted extensive comments in all relevant administrative proceedings before the Environmental Protection Agency (“EPA”), the Army Corps of Engineers, and other federal and state agencies advocating for the protection of the Bristol Bay region; testified at every opportunity in hearings; and submitted volumes of technical comments over the years. On September 4, 2022, for example, TU filed comments before the EPA on its then

Revised Proposed Determination Pursuant to Section 404(c) of the Clean Water Act (“CWA”).¹

5. TU also has actively litigated issues related to the proposed Pebble mine. TU was an Intervenor-Defendant in the 2014 litigation brought by Pebble Limited Partnership and the State of Alaska against the EPA concerning initiation of the administration to evaluate whether to begin the Section 404(c) review process.² And in 2019, TU sued the EPA, challenging the agency’s withdrawal of its 2014 Proposed Determination under Section 404(c) of the CWA.³ After the Court granted the EPA’s motion to dismiss, TU successfully appealed that ruling to the Ninth Circuit Court of Appeals, which reversed and remanded the case to this Court.⁴ TU then further participated in the remanded action, which resulted in the Court’s vacatur of the EPA’s 2019 decision to withdraw the 2014 Proposed Determination and the re-initiation of that environmental review process. Most recently, TU submitted an *amicus curiae* brief at the U.S. Supreme Court in support of the United States’ opposition to the State of Alaska’s motion for leave to file a bill of complaint

¹ Docket ID No. EPA-R10-OW-2022-0418.

² See Order Granting Trout Unlimited’s Motion to Intervene, Dkt. 218 at 4, *Pebble Ltd. P’ship v. U.S. EPA*, No. 3:14-cv-00097-HRH (Aug. 19, 2014) (finding it “clear from the record developed thus far that Trout Unlimited was involved in proceedings before the EPA”).

³ *Bristol Bay Econ. Dev. Corp. et al. v. Pirzadeh et al.*, No. 3:19-cv-00265-SLG (D. Alaska).

⁴ *Trout Unlimited v. Pirzadeh.*, 1 F.4th 738 (9th Cir. 2021).

challenging the EPA’s issuance of its Final Determination under Section 404(c) of the CWA.⁵

6. Development of the proposed Pebble Mine, even under the rosiest of mining scenarios, threatens TU’s goal of preserving and restoring North America’s coldwater fisheries; significantly disrupts recreational, sport, commercial, and subsistence fishing for our members; and detrimentally affects our members’ businesses in the Bristol Bay region. Mining activities, run-off and waste from the mine, and increased infrastructure and traffic in an otherwise pristine, undeveloped environment are all catastrophic to TU’s mission and its members’ enjoyment and use of the Bristol Bay watershed. Threats of mining accidents and water contamination are real fears for our members and the community in Bristol Bay.

7. The constant – if unsuccessful – efforts to push the mine forward have caused uncertainty and instability in the region. The cloud of the proposed mine has interfered with TU’s ability to meet its conservation goals in the Bristol Bay region and to satisfy its mission. Our business members, who are economically dependent on the fisheries in Bristol Bay, are investing less in the region due to the threat of the mine and question whether they should sell or move from the area entirely. It is no understatement to say the proposed Pebble mine poses an existential threat to many of our business members’

⁵ The U.S. Supreme Court declined to take Alaska’s case. *Alaska v. United States*, No. 157, Original, 2023 WL 7996465 (Nov. 9, 2023).

continued operations. Other members have questioned whether to buy new equipment such as fishing boats or acquire additional fishing permits.

8. While the EPA's 2023 Final Determination brought a brief respite to the uncertainty, Northern Dynasty Minerals Ltd. and Pebble Limited Partnership's new efforts to overturn that well-reasoned agency decision and to push the mine forward threaten all of the resources and effort TU and its members have invested in protecting Bristol Bay.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 13, 2024
Anchorage, Alaska

Signed,



Nelli Williams